



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 17, 1998

Mr. Jason C. Marshall
Nichols, Jackson, Dillard, Hager & Smith
1800 Lincoln Plaza
500 N. Akard
Dallas, Texas 75201

OR98-3170

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 120439.

The City of Coppell (the "city"), which your office represents, received an open records request for "any and all documents verifying thefts of property," from two specified residences between January 30, 1997 to the present. In response to the request, you submit to this office for review a copy of the records which you assert are responsive. You claim that the requested information is excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception and arguments you have raised and reviewed the submitted information.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if:

(1) release of the information would interfere with the detection, investigation or prosecution of crime [or]

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

....

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

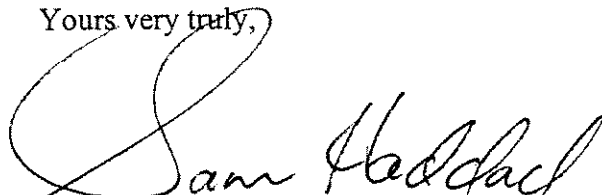
Gov't Code § 552.108. A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication.

You inform this office that the investigation into "the matter was 'no billed' by the Grand Jury, and thus the criminal incident did not result in either a finding of guilt or deferred adjudication." Based on your arguments and submitted information, we find that you have shown the applicability of section 552.108(a)(2) to the requested information, since the investigation *did not* result in conviction or deferred adjudication.

As you are aware, certain basic information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public. *See* Gov't Code § 552.108(c). Section 552.108(c) provides that section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Therefore, we conclude that, except for basic front page information, the offense report at issue may be withheld under section 552.108(a)(2) of the Government Code, though the city also has discretion to release all or part of this information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Sam Haddad

Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID# 120439

Enclosures: Submitted documents

cc: Mr. Ed Caldwell
601 Shadowcrest
Coppell, Texas 75019
(w/o enclosures)